

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend claims 1-2, 16, 18-19, 21, 23, 25-26 and 28, and cancel claim 12. Applicants do not add any new claims. Accordingly, claims 1-4, 6-11 and 13-28 are pending.

### **I. Claims Rejected Under 35 U.S.C. § 112**

The Patent Office rejects claims 1-4 and 6-28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants amend claims 1, 18, 23, 25-26 and 28, cancel claim 12 and traverse the rejection of claims 9-11, 13-17, 24 and 27.

Regarding the rejection of claim 1, the Patent Office states “the recitation at the beginning of line 5 is contradictory to the recitation at the end of line 5 through 7, because the rinsing step is required to be done both, after and during polishing. Applicants amend claim 1 to clarify that which is claimed is introducing hydrogen peroxide while polishing. As such, the claim may include introducing hydrogen peroxide during and possibly after polishing. Therefore, Applicants respectfully submit amended claim 1 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Claims 2-4 and 6-8 depend from claim 1 and contain all of the limitations thereof. Therefore, Applicants respectfully submit claims 2-4 and 6-8 each particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-4 and 6-8.

Regarding the rejection of claim 9, the Patent Office does not put forth any specific 35 U.S.C. § 112 rejection of claim 9. Therefore, the Patent Office has not established a proper rejection of claim 9.

In addition, Applicants respectfully submit claim 9 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Therefore, Applicants respectfully submit claim 9 is in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 9.

Claims 10-11 and 13-17 depend from claim 9 and contain all of the limitations thereof. Therefore, Applicants respectfully claims 10-11 and 13-17 each particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Thus, Applicants respectfully submit claims 10-11 and 13-17 are in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10-11 and 13-17.

Regarding the rejection of claim 18, the Patent Office states “the recitation at the beginning of line 3 is contradictory to the recitation at the end of line 3 through 4 because the rinsing step is required to be done both, after and during polishing. Applicants amend claim 18 to clarify that which is claimed is introducing hydrogen peroxide while polishing. As such, the claim may include introducing hydrogen peroxide during and possibly after polishing. Therefore, Applicants respectfully submit amended claim 18 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 18.

Claims 19-22 depend from claim 18 and contain all of the limitations thereof. Therefore, Applicants respectfully submit claims 19-22 each particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 19-22.

Regarding the rejection of claim 23, the Patent Office states “the recitation at the beginning of line 5 is contradictory to the recitation at the end of line 5 through 7, because the rinsing step is required to be done both, after and during polishing. Applicants have amended claim 23 to clarify the recited elements. Therefore, Applicants respectfully submit amended claim 23 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 23.

Regarding the rejection of claim 24, the Patent Office does not put forth any specific 35 U.S.C. § 112 rejection of claim 24. Therefore, the Patent Office has not established a proper rejection of claim 24.

In addition, Applicants respectfully submit claim 24 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Therefore, Applicants respectfully submit claim 24 is in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 24.

Regarding the rejection of claim 25, the Patent Office states “the recitation at the beginning of line 3 is contradictory to the recitation at the end of line 3 through 4, because the rinsing step is required to be done both, after and during polishing. Applicants amend claim 25 to clarify that which is claimed is introducing hydrogen peroxide while polishing. As such, the claim may include introducing hydrogen peroxide during and possibly after polishing. Therefore, Applicants respectfully submit amended claim 25 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 25.

Regarding the rejection of claim 26, the Patent Office states “the recitation at the beginning of line 5 is contradictory to the recitation at the end of line 5 through 7 because the rinsing step is required to be done both, after and during polishing. Applicants have amended claim 26 to clarify

the recited elements. Therefore, Applicants respectfully submit amended claim 26 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 26.

Regarding the rejection of claim 27, the Patent Office does not put forth any specific 35 U.S.C. § 112 rejection of claim 27. Therefore, the Patent Office has not established a proper rejection of claim 27.

In addition, Applicants respectfully submit claim 27 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Therefore, Applicants respectfully submit claim 27 is in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 27.

Regarding the rejection of claim 28, the Patent Office states “the recitation at the beginning of line 3 is contradictory to the recitation at the end of line 3 through 5 because the rinsing step is required to be done both, after and during polishing. Applicants have amended claim 28 to clarify the recited elements. Therefore, Applicants respectfully submit amended claim 28 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 28.

## **II. Claims Rejected Under 35 U.S.C. § 101**

The patent Office rejects claim 1-4 and 6-28 under 35 U.S.C. 101 “due to the contradictory recitations stated above, the claims recite a process that cannot be performed.” Applicants amend claims 1, 18, 23, 25-26 and 28, cancel claim 12 and traverse the rejection of claims 9-11, 13-17, 24 and 27.

Applicants respectfully submit claims 1, 18, 23, 25-26 and 28, as amended, and each of their dependent claims recite a process that can be performed. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-4, 6-8, 18-22, 23, 25-26 and 28.

Applicants respectfully submit claims 9-11, 13-17, 24 and 27 each recite a process that can be performed and are in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 9-11, 13-17, 24 and 27.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: 12/8/03 By: William T. Babbitt  
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### CERTIFICATE OF MAILING:

*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on* 12/8/03

Nadya Gordon 12/8/03  
Nadya Gordon Date